

## REMARKS

Applicants have amended claims 1, 4 and 6 and cancelled claim 7. Applicants have added new claim 10 to round out the coverage.

Applicants thank the Examiner for indicating allowable subject matter.

The Examiner required that FIG. 14 be labeled as prior art. Applicants have amended FIG. 14 to include a legend, "Prior Art."

Claims 1, 3-5, 7 and 8 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 5,705,842 (Kitamura). Applicants respectfully traverse this rejection.

Claims 1 as amended states that no part of the low impurity drain layer is disposed under the high impurity drain layer. This amendment finds support, for example, in FIG. 3B and relevant descriptions on the processing step at page 5, lines 4-13, of the specification. Because of this configuration, the ESD withstand voltage is improved. See, for example, page 12, liens 2-7, of the specification.

In Kitamura's device, n<sup>+</sup> type drain region 8, which the Examiner equates to the claimed high impurity drain layer, is formed to overlap at least partially with n-type well 2, which the Examiner equates to the claimed low impurity drain layer. Thus, a portion of Kitamura's low impurity drain layer 2 is placed under Kitamura's high impurity drain layer 8. See, for example, FIG. 2 of Kitamura. Accordingly, Kitamura does not teach or suggest the claimed configuration that no part of the low impurity drain layer is disposed under the high impurity drain layer.

Claim 4 has been amended to include the limitation that a depth of the high impurity drain layer is larger than a depth of the low impurity drain layer, which was recited in original claim 6. Kitamura does not teach or suggest this configuration, as the Examiner indicates properly. Applicants have also amended claim 4 to remove the limitation that a depth of the high

impurity drain layer is larger than a depth of the source layer and amended claim 6 to recite this limitation.

Kitamura does not teach or suggest the claimed invention. Thus, the rejection of claims 1, 3-5, 7 and 8 under 35 USC 102(b) on Kitamura should be withdrawn.

Claims 2 and 9 have been rejected under 35 USC 103(a) as unpatentable over Kitamura in view of the disclosure in the Background of the Invention of this specification. Even though the Examiner states at page 3 of the Action that “Claims 1- are rejected under 35 USC 103(a),” applicants believe that this rejection is directed to claims 2 and 9 because the ensuing argument relates only to claims 2 and 9.

This rejection should be withdrawn as well because Kitamura does not provide the teachings for which it is cited.

New claim 10 recites a buried layer of the first conductivity type formed to cover the entire bottom surface of the high impurity drain layer and forming a PN junction with the high impurity drain layer. Support for this structure is found, for example, at page 8, lines 20-24, of the specification, and FIG. 9A of this application. Applicants note that Kitamura’s buried layer 9 does not cover the entire bottom surface of Kitamura’s high impurity drain layer 8.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

**Deposit Account No. 03-1952**, referencing Docket No. 492322013000.

Respectfully submitted,



Dated: July 28, 2004

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